

REMARKS

Initially, Applicant would like to thank the Examiner for acknowledging Applicant's claim for foreign priority under 35 U.S.C. §119, as well as receipt of a certified copy of the priority documents upon which the claim for foreign priority is based. Applicant would also like to thank the Examiner for indicating the acceptability of the drawings filed with the present application on February 11, 2004. Applicant would additionally like to thank the Examiner for acknowledging consideration of each of the documents listed on Forms PTO-1449 submitted with Information Disclosure Statements on September 2, 2005, August 4, 2004 and May 11, 2004. Finally, Applicant would like to thank the Examiner for indicating the allowability of claim 7, if rewritten into independent form to include all of the features of base and intervening claims.

In the outstanding Office Action, the title of the invention was objected-to as being non-descriptive. Claim 9 was rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. Claims 1-2 and 8-9 were rejected under 35 U.S.C. §102(e) over YAMAZOE et al. (EP 1014688). Claim 3 was rejected under 35 U.S.C. §103(a) over YAMAZOE in view of D'ALTO (U.S. Patent No. 5,680,179). Claims 4-5 were rejected under 35 U.S.C. §103(a) over YAMAZOE in view of GREGGAIN (U.S. Patent No. 5,602,599). Claim 6 was rejected under 35 U.S.C. §103(a) over YAMAZOE in view of GREGGAIN, and further in view of ISONO et al. (U.S. Patent No. 6,873,348). Claim 7 was objected-to as being dependent upon a rejected base claim, but was otherwise indicated to be allowable if rewritten into independent form to include all of the features of base and intervening claims.

Upon entry of the present amendment, a new Title will have been presented which specifies descriptive features of the original independent claims. Accordingly, reconsideration and withdrawal of the objection to the Title is respectfully requested.

Upon entry of the present amendment, claim 9 will have been amended to recite a computer readable medium that stores a computer program for image processing. Amended claim 9 is directed to statutory subject matter under 35 U.S.C. §101. That is, under 35 U.S.C. §101, claimed subject matter must fall within an enumerated statutory category, *i.e.*, machine, manufacture, composition of matter, or process. So long as claimed subject matter falls within an enumerated statutory category, claimed subject matter may only be non-statutory if the claimed subject matter falls within a Section 101 Judicial Exception – Laws of Nature, Natural Phenomena and Abstract Ideas. Yet, even when claimed subject matter falls within a Section 101 Judicial Exception, the claimed subject matter may yet be statutory if directed to a practical application of the Section 101 Judicial Exception, such as when the claimed invention “transforms” an article or physical object to a different state or thing, or when the claimed invention otherwise produces a useful, concrete and tangible result.

Amended claims 9 is not directed to a “computer program”. Rather, independent claim 9 is directed to a “computer readable medium” and, as such, is directed to subject matter falling within an enumerated statutory category. Guidelines for examination of subject matter under 35 U.S.C. § 101 which acknowledge the patentability of “computer readable medium” claims were published in the U.S. Patent and Trademark Office *Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility* on November 22, 2005.

Further, claim 9 was written in a form specifically authorized by the U.S. Patent and Trademark Office *Guidelines for Examination of Patent Applications for Patent Subject Matter*

Eligibility on November 22, 2005, and the Office Action implicitly acknowledges that a computer readable medium that stores a program is statutory. Accordingly, amended claim 9 is directed to statutory subject matter. At least in view of the above remarks, reconsideration and withdrawal of the outstanding rejection under 35 U.S.C. §101 is respectfully requested.

Upon entry of the present amendment, independent claims 1, 8 and 9 will have been amended to include features previously recited in claims 2 and 3. Claim 2 will have been amended to exclude the subject matter now incorporated into independent claims 1, 8 and 9. Claim 3 will have been cancelled without prejudice to or disclaimer of the subject matter recited therein.

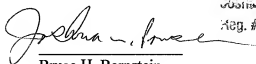
Applicant traverses the rejections under 35 U.S.C. §102 and 35 U.S.C. §103. In this regard, YAMAZOE discloses generation of a luminance histogram, as well as an edge-enhancement filter and a filtering process after luminance/chromaticity conversion. However, YAMAZOE does not disclose that filtering processes are recursively performed a plurality of times. In this regard, the image-processing operation in YAMAZOE does not recursively use a low-pass filter or an edge enhancement filter, let alone both a low-pass filter and an edge enhancement filter in a recursive filtering process.

Whereas D'ALTO discloses recursively performing a low-pass filtering process, this recursive filtering process is performed only to attenuate high-frequency components and not to obtain an illustrative image. D'ALSO does not disclose or suggest recursive use of edge-enhancement filters, let alone recursively performing processes using both edge-enhancement and low-pass filters. Accordingly, modification of YAMAZOE with the teachings of D'ALTO would not result in a filtering process that includes recursive use of an edge-enhancement and a low-pass filtering set.

As set forth above, the combination of YAMAZOE and D'ALTO does not render obvious the combination of features recited in amended independent claims 1, 8 and 9. Therefore, independent claims 1, 8 and 9 are allowable over the combination of YAMAZOE and D'ALTO. Dependent claims 2 and 4-7 are allowable at least for depending, directly or indirectly, from an allowable independent claim 1, as well as for additional reasons related to their own recitations. Accordingly, reconsideration and withdrawal of the outstanding Office Action is respectfully requested.

Should the Examiner have any questions, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully Submitted,
Satoru HORITA



JUSTIN M. PROVOST
Reg. #42,086

Bruce H. Bernstein
Reg. No. 29,027

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GREENBLUM & BERNSTEIN, P.L.C.
1950 Roland Clarke Place
Reston, VA 20191
(703) 716-1191